

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CEDRIC TYRONE WALKER,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:16-CV-02387</b>
<b>vs.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>WARDEN DAVID J. EBBERT,</b>	:	
<b>et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW, THIS** 18<sup>th</sup> day of September, 2017, upon consideration of Defendants' motion to dismiss (Doc. No. 20), and brief in support (Doc. No. 21), and Plaintiff's briefs in opposition (Doc. Nos. 24, 34), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 20), is **GRANTED**.
2. Plaintiff's due process claims are **DISMISSED with prejudice**.
3. Plaintiff is granted twenty-one (21) days from the date hereof to file a second amended complaint with regard to his Eighth Amendment claims. Failure to file a second amended complaint will result in the dismissal of this action.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge